

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:05CR3059
)	
Plaintiff,)	
)	MEMORANDUM
vs.)	AND ORDER
)	
RENE ALVARADO,)	
)	
Defendant.)	

Defendant was represented by retained counsel in this court and has filed a notice of appeal of his sentence. (Filing 48.) Retained counsel filed a motion for leave to appeal in forma pauperis and request for appointment of counsel (filing 49), which was stricken because it was incomplete. Later, Defendant filed a form application to proceed in forma pauperis, which contained a poverty affidavit. (Filing 50.) This matter is before the court upon the motion to proceed in forma pauperis (filing 50.) I will grant the motion for leave to appeal in forma pauperis, as it is properly supported by the poverty affidavit contained within the motion and the appeal appears to be taken in good faith.

It is unclear whether Defendant is requesting that this court appoint counsel for the purposes of appeal. If he is, I note that this court does not have jurisdiction to appoint counsel for purposes of appeal, and Defendant may direct a request for appointment of counsel for purposes of appeal with the Eighth Circuit Court of Appeals. This order does not relieve retained counsel of his responsibility to represent Defendant.

IT IS ORDERED:

1. The appeal appears to be taken in good faith and Defendant's motion for leave to appeal in forma pauperis (filing 50) is granted.

2. To the extent Defendants has moved for appointment of counsel on appeal, that motion is denied;

3. The Clerk is directed to provide a copy of this order to the Clerk of the Court of Appeals for the Eighth Circuit.

February 8, 2006.

BY THE COURT:

s/Richard G. Kopf
United States District Judge